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The American City is the title of a monthly journal started in September, 1909, and published by the American City Publishing Company, 93 Nassau Street, New York. The October number of this journal contains, among others, interesting articles on inefficiency in municipal work, public gymnasiums and baths, and on the proposed plans for the reconstruction of the city of Chicago.

HOME RULE IN MICHIGAN

JOHN A. FAIRLIE

The Michigan legislature, which was in session during the early months of 1909, was the first under the revised state constitution, which had been ratified at the preceding election. This legislative session served to demonstrate the success of many provisions in the revised constitution. The session lasted but four months, the shortest in Michigan for several decades. The printing of bills at least five days before passage, effectively prevented snap legislation, and the power of a majority of each house to withdraw a bill from a committee (although exercised but little), served to prevent committees from failing to report measures which were demanded. The restrictions on special legislation proved effective both in reducing to a marked degree the volume of enactments and also in securing the passage of three important bills carrying out other provisions of the constitution, and conferring large powers of home rule on the cities, villages and counties in that state. Other useful legislation was also passed; but the home rule acts form perhaps the most notable feature of the session, and are measures of significance which deserves attention in other states.

Home Rule for Cities. The revised constitution established the principle and foundation for municipal home rule, by definitely authorizing cities and villages to frame, adopt and amend their charters, and to pass laws and ordinances in regard to their municipal concerns. But legislation was required to prescribe the methods by which cities should act, and to establish limitations as to tax rate and indebtedness.

Several conferences were held of city officials, members of the constitutional convention and others, at which certain general principles as to the needed legislation were formulated. A number of bills were introduced in either house, and worked over by the committees. Each house passed a bill differing in important details; but in conference the

measure finally agreed to, followed in the main a bill drafted by P. J. M. Hally, corporation counsel of the city of Detroit. As Mr. Hally is a democrat, the acceptance of the main features of his bill by a legislature almost unanimously republican, was particularly significant. But it should be said that his draft was the result of numerous consultations and conferences between city officials, members of the legislature, and others.

The act to provide for the incorporation of cities and for changing their boundaries, which now forms the basis for municipal government in the state of Michigan, consists of but 36 sections, and 31 pages. It first provides that each organized city shall be a body corporate, and that existing cities shall continue with all their present rights and powers until otherwise provided by law. Provision is made for the creation of new cities, and annexation of territory, by petition, action of the county boards of supervisors, and popular vote in the districts affected.

Charters of new cities will be framed by a commission of nine electors, chosen by popular vote. Revised charters of existing cities will be framed, after a vote of the electors in favor of revision (submitted by a two-thirds vote of the local legislative body, on an initiatory petition of 20 per cent of the total vote cast for mayor), by an elected commission of one member from each ward and three electors at large. Candidates for charter commissioners are to be placed on the ballot without party affiliations designated. Charter amendments may also be proposed by a two-thirds vote of the local legislative body, or by an initiatory petition of 20 per cent of the vote for mayor.

Every charter and charter amendment before submission to the electors, must be submitted to the governor of the state; but if disapproved by him, and passed on reconsideration by a two-thirds vote of the charter commission or legislative body, shall be submitted to the electors. Copies of charters and charter amendments approved by the electors of the city shall be certified to the secretary of state, and shall thereupon become a law.

The law names certain things which each city charter shall provide, and imposes certain restrictions on the powers of cities. There must be an elected mayor and a body vested with legislative power; the clerk, treasurer and assessors, and other officers may be elected or appointed. This permits the establishment of a commission system, or of a mayor and council with distinct powers. Provision must be made for the levy, collection and return of state, county, and school taxes, an annual appropriation for municipal purposes, and for a system of accounts.

Provision may be made for municipal taxes and for borrowing money up to prescribed limits, and for the regulation of trades, occupations and amusements, for the purchase of franchises, for a plan of streets within three miles beyond the city limits, "for a system of civil service," for the referendum, and the following omnibus clause:

"For the exercise of all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; for any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state."

Limitations include the following: Existing limits to the tax rates and borrowing powers to remain until a change is authorized by vote of the electors, with a maximum limit of 2 per cent of the assessed valuation for the tax rate and 8 per cent for loans; but, as authorized by the constitution, bonds may be issued beyond this limit for public utilities, when secured only upon the property and revenues of the utility. A sinking fund must be provided for bonds. A charter or charter amendment may not be submitted oftener than once in two years. The salary of public officials may not be changed after election or appointment. Certain municipal property may only be sold or vacated when approved by three-fifths of the electors voting thereon.

They act as a whole carries out the provisions of the constitution; and the limitations are as a rule reasonable safeguards against the abuse of power by the cities, although the procedure for securing a general revision of a city charter is unnecessarily difficult. The statute is longer and more explicit on some points than the constitutional provisions of states farther west which have attempted to define the methods for framing and adopting home rule charters in the state constitution itself. Yet the Michigan law is brief enough to be readily understood; and while some details seem rather uncertain, its main features are clear and distinct.

Action by the cities under this statute may be expected before long. Several cities are discussing general revisions of their charters; and a good many will submit amendments to laws under which they now operate. The experiments that will be made, and the experience gained under this system of self-government, will be well worth the notice of cities in other states.

Home Rule for Villages. A separate act was passed for villages. This follows the main features of the law for cities, but omits some provisions and is somewhat briefer. There are a few differences of some importance. Village charter commissions will consist of only five members; and the maximum debt limit is 10 per cent. One section authorizes village charters to include any chapter, act, or section of the statutes of the state, which relates to the powers or government of villages, generally, either by reciting the same in the charter or by appropriate reference thereto. It seems probable that many villages will use this authority and follow in their charters the former general laws for the government of villages.

Home Rule for Counties. The Michigan constitution of 1850 authorized the legislature to delegate to the county boards of supervisors local, legislative and administrative powers. But the powers conferred hitherto have been, as in other states minutely conferred, and conferred no important legislative authority.

In the revised constitution of 1908, the former provision was continued. But the restrictions on the passage of special and local acts by the legislature and the influence of the discussion on the home rule bills for cities and villages, led to the grant of substantial powers of local legislation to the boards of supervisors. This was done by an act amending one section of the former law in regard to such boards, adding several rather lengthy clauses to this section.

Under this new act, the boards of supervisors are given power: "to pass such laws, regulations and ordinances relating to purely county affairs, as they may see fit, but which shall not be opposed to the general laws of the state, and shall not interfere with the local affairs of any township, incorporated city, or village, within the limits of such county, . . . to amend any local act of the legislature in force in their country and referring to matters within the jurisdiction of such board of supervisors, or touching the local powers and duties of county officers, . . . ; to change the limits of cities, villages, and school districts within such county as may be provided by law, . . . and may incorporate primary school districts."

Laws, ordinances, and regulations, under this paragraph, must be submitted to the governor for his approval; and if disapproved, must be repassed by a two-thirds vote to become a law. Such laws, ordinances and regulations shall not take effect until sixty days after the adjournment of the board, and if within fifty days a petition for a referendum is presented, signed by 20 per cent of the electors in the

district to be affected, it shall not take effect until approved by a majority of the electors of the district affected voting thereon.

Certified copies of such acts of the boards of supervisors are to be filed with the secretary of state, who shall index and publish all such acts annually in a suitably bound volume.

Some specially significant features of these laws may again be mentioned for the sake of emphasis. The powers granted are conferred in broad, general terms, in sharp contrast with the prevailing system of minutely specified powers, which has hitherto existed in Michigan no less than in other states. The provision for the popular initiative in charter amendments and for calling a charter commission in cities and villages, introduces the method of direct popular legislation into municipal government: while the provisions for referendum votes in cities, villages and counties, on charters, charter amendments and acts of the supervisors permit a great extension in the system of popular ratification.

A somewhat novel feature in connection with legislation by local authorities, is the submission of such measures to the governor for his approval, and in case of disapproval, the requirement of a two-thirds vote of the local body, as in the case of bills passed by the state legislature. It may be noted too that this provision applies also in the case of charter amendments proposed by popular initiative.

Lastly, there should be noted the provision for filing certified copies of city and village charters, charter amendments and acts of the boards of supervisors, with the secretary of state and for their official publication. This serves to place these instruments on public record, makes them more available for comparison, and should emphasize their standing as laws, of which the courts should take judicial notice.